

## **Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**CHRISTOPHER D. GRIFFITH, and DAVID  
SPECIALE, on behalf of themselves and all others  
similarly situated,**

**CASE NO: 12-CV-1117-PAC**

**Plaintiffs,**

**v.**

**NOTICE OF PENDENCY OF LAWSUIT  
REGARDING WAGES**

**FORDHAM FINANCIAL MANAGEMENT, INC.  
and WILLIAM BAQUET,**

**Defendants.**  
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**If you currently or previously worked as a stockbroker at Fordham Financial Management, please  
read this notice as your rights may be affected.**

*A court authorized this Notice. This is not a solicitation from a lawyer.*

- Christopher Griffith and David Speciale (“Plaintiffs”) have sued Fordham Financial Management, Inc. (“Fordham”) and William Baquet (collectively, “Defendants”) claiming that Defendants failed to properly compensate stockbrokers, including by failing to pay them overtime wages in violation of the federal Fair Labor Standards Act (“FLSA”) and New York law.
- The Court has conditionally certified Plaintiffs’ FLSA claims as a collective action and authorized the distribution of this notice to current and former Fordham registered representatives with an entry-level license<sup>1</sup> (“stockbrokers”).
- The lawsuit is pending before the Honorable Paul A. Crotty, United States District Judge. The lawsuit is known as Griffith, et. al. v. Fordham Financial Mgmt., Inc., et al., Case No 12-cv-1117-PAC.
- **DEADLINE: If you worked for Fordham as a stockbroker at any time since [three years prior to mailing] and wish to join the lawsuit and bring an FLSA claim against Defendants, you must fill out and send the attached Consent to Join form no later than [60 days from the mailing of the Notice].**<sup>2</sup>

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<sup>1</sup> E.g., Series 7 and Series 63.

<sup>2</sup> Generally, under the FLSA, an individual may seek to recover unpaid wages from the last three (3) years. On the other hand, under New York wage laws, workers may recover unpaid wages from the last six (6) years. Accordingly, if you worked as a Fordham stockbroker prior to [three years prior to mailing] you may still have the opportunity to participate in this lawsuit and bring claims under New York state law.

## **1. DESCRIPTION OF THE LAWSUIT.**

Plaintiffs Christopher Griffith and David Speciale filed this lawsuit against Fordham on February 14, 2012. Plaintiffs allege that Fordham did not properly compensate stockbrokers in violation of the FLSA and New York wage laws. Plaintiffs allege that stockbrokers were not paid overtime pay (one-and-one-half times stockbrokers' regular rate of pay) when they worked over forty (40) hours in a workweek. In addition, Plaintiffs allege that deductions were illegally taken from stockbrokers' wages and that during some months stockbrokers made less than the minimum wage per hour. The lawsuit seeks money owed in back wages, additional damages known as "liquidated damages," interest, attorneys' fees, and costs.

Fordham denies that they violated the Fair Labor Standards Act or the New York wage law.

## **2. YOUR RIGHT TO BRING AN FLSA CLAIM IN THIS LAWSUIT**

If at any time within the last three years you worked for Fordham as a stockbroker you are an "FLSA Collective Member" and may bring an FLSA claim in this lawsuit. You do not need to have employment records in order to do so. To bring an FLSA claim, you must sign a written Consent to Sue form to be a "party plaintiff" in the lawsuit. This form will be filed with the Court.

*It is entirely your decision whether or not to participate and bring an FLSA claim in the lawsuit. If you choose to file the consent to sue form and join in this lawsuit, it is against the law for Fordham to retaliate against you in any way.*

## **3. THE CONSENT FORM**

**If you worked as a Fordham stockbroker within the last three years and wish to bring an FLSA claim for unpaid wages, you must fill out and send the form attached to this notice, which is entitled "Consent to Sue Under Federal Fair Labor Standards Act," to the attorneys for the Plaintiffs:**

Michael D. Palmer  
Matthew D. Kadushin  
JOSEPH & KIRSCHENBAUM LLP  
233 Broadway, 5th Floor  
New York, NY 10279  
Tel: (212) 688-5640  
Fax: (212) 688-2548  
Email: mpalmer@jhllp.com  
Email: matthew@jhllp.com

**If you fail to return the "Consent to Join" form to Plaintiffs' counsel by 60 days from the mailing of the Notice, you may be unable to bring an FLSA claim in this lawsuit.**

For your convenience a self-addressed postage-paid envelope is enclosed.

## **4. EFFECT OF FILING THE CONSENT FORM**

If you are an FLSA Collective Member and choose to file the consent form, you will be bound by any judgment in this case on the FLSA claims, whether favorable or unfavorable. By joining this lawsuit, you designate Plaintiffs (Christopher Griffith and David Speciale) as your representatives, and to the

fullest extent possible, you designate Plaintiffs to make decisions on your behalf concerning the case, the method and manner of conducting the case, the approval of settlements, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs will be binding on you if you join this lawsuit.

While this suit is pending, you may be required to provide documents (if any are in your possession) or information relating to your employment, or otherwise participate in written and/or oral discovery proceedings, including sitting for an oral deposition under oath, and/or testifying in the trial of this matter.

## **5. EFFECT OF NOT FILING THE CONSENT FORM**

If you choose not to file a consent form, you will not receive any money awarded as a result of any Judgment or settlement in this case on the FLSA claims, and you will not be bound by any Judgment or settlement in this case on these claims, whether favorable or unfavorable to the collective action. If you choose not to join this lawsuit, you are free to file your own lawsuit.

## **6. QUESTIONS**

If you have any questions with respect to this lawsuit, you may call Plaintiffs' counsel: Michael Palmer or Matthew Kadushin at Joseph & Kirschenbaum LLP, 233 Broadway, 5<sup>th</sup> Floor, New York, NY 10279 at (212) 688-5640.

**Please do not call the Court or Clerk's Office about this notice.**

## **7. ATTORNEYS FOR PLAINTIFFS**

If you file a consent form, you will become a "party plaintiff" and will be represented by Joseph & Kirschenbaum, LLP, who represent Plaintiffs in this lawsuit. The attorneys' fee arrangement for this case provides that Plaintiffs' counsel are handling this matter on a contingency basis, *i.e.*, that the attorneys' fees will be determined on a percentage basis based on the recovery on behalf of Plaintiffs and that Plaintiffs will not be responsible for fees and/or costs if there is no recovery for Plaintiffs. The agreement further provides that at the conclusion of the case, Plaintiffs' counsel will make an application to the Court for the recovery of fees and costs, that the Court has discretion over the amount of fees to award, and that the fees may be as much as one-third of any settlement fund or judgment, calculated before costs are deducted. As part of your Consent to Join Form, please provide your contact information to enable Plaintiffs' attorneys to contact you. Your address and telephone numbers will not be made publicly available.

Please note that if you join this lawsuit and you wish to hire different counsel, you have the right to retain your own counsel at your expense.

## **8. COURT AUTHORIZATION**

Although the Court has approved the sending of this notice, the Court expresses no opinion as to the merits of this lawsuit and whether any party is right or wrong.

Dated: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**CHRISTOPHER D. GRIFFITH, and DAVID  
SPECIALE, on behalf of themselves and all others** Case No: 12-cv-1117-PAC  
similarly situated,

**Plaintiffs,**

**v.**

**FORDHAM FINANCIAL MANAGEMENT, INC.  
and WILLIAM BAQUET,**

**Defendants.**

-----X

**CONSENT TO SUE UNDER FEDERAL FAIR LABOR STANDARDS ACT**

1. I consent to be a party plaintiff in this lawsuit in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. I hereby designate Plaintiffs Christopher Griffith and David Speciale, and Plaintiffs' attorneys Joseph & Kirschenbaum LLP to represent me in such lawsuit and to make decisions on my behalf concerning the litigation and settlement. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable and to be bound by any settlement entered into on my behalf by the Plaintiffs and Plaintiffs' attorneys.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address (will not be publicly disclosed)

\_\_\_\_\_  
Full Legal Name (print)

\_\_\_\_\_  
City, State, Zip (will not be publicly disclosed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone number (will not be publicly disclosed)

**Completed form must be mailed to the address below and postmarked on or before [60 days from  
the mailing of the Notice]**

Joseph & Kirschenbaum LLP  
233 Broadway, 5th Floor  
New York, New York 10279  
Fax: (212) 688-2548